

### **REMARKS**

Claims 1-19 are pending in the above-identified application, and were rejected. With this Amendment, claims 16-18 were amended, and claim 19 was cancelled. Accordingly, claims 1-18 are at issue in the above-identified application.

#### **I. 35 U.S.C. § 101 Rejection of Claims**

Claims 16-19 were rejected under 35 U.S.C. § 101 because the invention Examiner believes that the claimed invention is directed to non-statutory subject matter. Applicant respectfully submits that Applicant's amendment to claims 16-18 obviates this rejection. Claim 19 has been cancelled. Accordingly, Applicants respectfully request withdrawal of this rejection.

#### **II. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Donoho (U.S. Patent No. 6,801,929). Applicant respectfully traverses this rejection.

Claim 1 is directed to an information processing apparatus for replying to an inquiry. The apparatus includes means for assigning a reply priority to the inquiry, means for determining whether a solution to the inquiry is stored, and means for replying to the inquiry based on the reply priority.

Donoho is directed to a relevance clause for computed relevance messaging. The advice reader obtain advisories from advice servers which operate at advice sites. (See column 3, lines 49-52.) The advice readers determine the relevance of the advisories to determine the relevance of the advisory to a consumer's computer. (See column 3, lines 53-57.) The advice reader then notifies the user of relevant messages. (See column 3, lines 57-59.) The user may

configure the advice reader for advisories (see column 75, lines 45-50). The advice reader in Donoho does not assign a reply priority to an inquiry, as required by claim 1. The advice reader in Donoho also does not reply to an inquiry, as required by claim 1. Rather, the advice reader operates continually in an automatic mode, gathering and distributing advisories as they occur. (See column 4, lines 6-9.) Accordingly, claim 1 and claims 2-4 that depend from claim 1 are allowable over Donoho.

For reasons similar to those discussed above with regard to claims 1-4, Applicant respectfully submits that claims 5-19 are also allowable over Donoho. Accordingly, Applicant respectfully requests withdrawal of this rejection.

### **III. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hogan et al. (Pre-Grant Publication No. US 2004/0013253) in view of Doerr et al. (Pre-Grant Publication No. 2002/0002546). Applicant respectfully traverses this rejection.

Hogan et al. is directed to a call processing rate quote system and method. The system includes a processor that receives call data, determines the type of call, determines the processing required, and determines whether operator assistance is required. (See Abstract.) Each call may be prioritized based on when the call was queued or based on call priority. (See paragraph 0376.) A client interface ("CLIF") is provided to facilitate communications among applications. (See Abstract.) The CLIF sends requests to an application and awaits a response in reply to the request (See paragraph 1282.) The applications in Hogan et al. would not store a response.

Applicant respectfully disagrees with the Examiner that it would have been obvious to combine the teachings of Hogan et al. and Doerr et al. to derive the claims of the present

invention. The Examiner did not show that some objective teaching in the prior art, or that knowledge generally available to one of ordinary skill in the art, would lead one to combine a processor that would not store a response, as taught by Hogan et al., with a means for determining whether a solution to an inquiry is stored as taught by Doerr et al. Thus, Applicant respectfully submits that a prima facie case of obviousness was not established. "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 972 F.2d 1260, 1266 (Fed. Cir. 1992) (citing In re Gordon, 733 F.2d 900, 902 (Fed. Cir. 1984)). Neither of the cited references suggests any motivation for, or the desirability of, the changes espoused here by the Examiner.

Because claim 1 includes limitations that are neither disclosed nor suggested by Hogan et al. or Doerr et al., claim 1, and claims 2-4 that depend from claim 1, are allowable over Hogan et al. in view of Doerr et al.

For reasons similar to those discussed above with regard to claims 1-4, Applicant respectfully submits that claims 5-19 are also allowable over Donoho. Accordingly, Applicant respectfully requests withdrawal of this rejection.

**IV. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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